

**From:** Jason Cook  
**To:** Microsoft ATR  
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**Subject:** Comments for the Federal Register

Renata Hesse,

Is it a crime to maintain a monopoly? Yes it is. Microsoft has already been found in violation. The question now is a question of just punishment. How does the United States of America take appropriate actions to end the Microsoft monopolies and prevent them from recurring?

The proposed settlement does not begin to remedy the antitrust violations for which Microsoft has been found culpable. This is the penalty phase of the case and yet there are no penalties outlined in the settlement. In fact, the proposed settlement arguably would advance the capabilities of Microsoft's monopolies by allowing the corporation to maintain them. Furthermore, that precedent could weaken antitrust law. What other corporations would take advantage of Microsoft's clean break in future cases?

A just penalty would somehow prevent Microsoft from extending its monopoly. For example Microsoft products should be optional when purchasing new computers. That way consumers who do not wish to purchase those products are not forced to do so. This also means that for the price differential between a new computer with Microsoft software and one without, the computer seller must offer the software without the computer. Then and only then can competition come to exist in a meaningful way.

The specifications of Microsoft's present and future file formats must be made public, so that files created with Microsoft applications, whether they be documents or audio-visual media, may be read by programs from other makers, on Microsoft's and other operating systems. This is in addition to opening the Windows API (application program interface).

Any and all Microsoft networking protocols must be published in full and approved by an independent network protocol body (ISO, International Standards Organization). This would prevent Microsoft from seizing de facto control of the Internet.

This is indeed an issue of national interest. Strength in diversity is a biological reality that translates well to this scenario. It has been suggested by the Center for Strategic and International Studies that the use of Microsoft software actually poses a risk to national security. Consider how that risk could increase if there is not a careful and deliberate penalty imposed upon Microsoft for its transgressions. By creating a monopoly Microsoft has strengthened itself and weakened its competitors. But but the bigger it grows, the greater the risk to national interest.

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